

**MINUTES OF THE
CITY PLANNING COMMISSION
J. MARTIN GRIESEL CONFERENCE ROOM
TWO CENTENNIAL PLAZA – SUITE 700
805 CENTRAL AVENUE**

**December 2 2005
9:00AM**

CALL TO ORDER

Mr. Faux called the meeting to order at 9:15 am.

Commission Members:

Present: Caleb Faux, Terry Hankner, David Rager, and James Tarbell

Members Absent: Jacqueline Mc Cray, Donald Mooney and Curt Paddock

Community Development and Planning Staff:

Margaret Wuerstle, Renee Christon, Felix Bere, Steve Briggs, Adrienne Cowden, Caroline Kellem, and Rodney Ringer

Law Department:

Julia Carney

Mr. Faux pointed out to the meeting attendants that a quorum was needed to officially approve or disapprove on all items on the agenda and the minutes from the previous meeting.

Mr. Tarbell arrived at 9:30 am.

Ms. Julia Carmen had informed the Commissioners that the new members of council had not reinstated Mr. Tarbell to the Planning Commission Board and that until such time occurs he would have to abstain from voting.

Mr. Faux stated that even though the Commissioners did not have a quorum he would like to continue the meeting and discuss the zone text amendments. In addition, the Commissioners wanted to give the attendants an opportunity to address any item on the agenda.

APPROVAL OF MINUTES

Submission of the minutes from the November 18, 2005 Planning Commission meeting for approval.

CONSENT ITEMS

- ITEM #1** A report and recommendation on an ordinance authorizing the sale of property at the northwest corner of the intersection of Rockdale and Forest Avenues, near Reading Road, next to the Peace Baptist Church, which real property is no longer needed for any municipal purpose.
- ITEM #2** A report and recommendation on the sale of City-owned property located south of the Gregory Center Banquet Hall on Pete Rose Way, including part of Friendship Street, which is no longer needed for municipal or street purposes, to Montgomery Inn, Inc., and, in exchange, accepting .330 acres of land on the north side of Pete Rose Way.

- ITEM #3** A report and recommendation on an emergency ordinance to dedicate, accept and confirm the dedication of 20,365 square feet of city-owned property as public right-of-way as an addition to Queen City Avenue.
- ITEM #4** A report and recommendation on an emergency ordinance to dedicate, accept and confirm the dedication of 6.1414 acres of city-owned property as public right-of-way to be known as Queen By-pass and 6,061 square feet of city-owned property as public right-of-way to be known as Lick Run Way.
- ITEM #5** A report and recommendation on an easement for a driveway, in favor of property located at 3179 Fiddlers Green Road owned by James E. Treft, over City of Cincinnati owned real property retained by the City of Cincinnati.

DISCUSSION ITEM

- ITEM #9** Zoning Text Amendment for §1419-21. Limited or Full Service Restaurants and Drinking Establishments

PURPOSE:

To obtain input and direction from the Planning Commission on zoning text as it relates to the regulation of outdoor drinking areas and to ensure that all sections of the Code are consistent regarding the regulation of outdoor drinking areas.

PROPOSED TEXT AMENDMENT:

§ 1419-21. Limited or Full Service Restaurants and Drinking Establishments.

Outdoor eating and drinking areas of limited or full service restaurants or drinking establishments must be located, developed and operated in compliance with the following:

- (a) **Location.** Outdoor eating and/or drinking areas on any public sidewalk or alley requires a revocable street privilege.
- (b) **Maximum Size.** The outdoor eating and/or drinking area may not exceed 25 percent of the indoor eating and/or drinking area, excluding other space not accessible to the public. In all cases, Additional outdoor eating and drinking areas exceeding the 25 percent limit must obtain requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses.
- (c) **Barriers.** Decorative walls or fencing must enclose an outdoor eating or drinking area.
- (d) ~~**Alcoholic Beverages.** The provision of alcoholic beverages must be secondary and accessory to the provision of food.~~ **Drinking Establishments.** Outdoor areas accessory to drinking establishments must be located a minimum of 300 feet from any residential district boundary line. Conditional Use approval must be obtained pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses, for outdoor areas closer than 300 feet to a residential district boundary line. Applicants must be able to show:
 - i. Alternative buffering that provides adequate protection to adjacent residential properties or
 - ii. Unique circumstances that exist and should be considered in determining the appropriate size of the buffer area or

iii. Mitigation of any negative impacts on the neighborhood.

(e) **Cooking Facilities.** Cooking facilities may not be located in outdoor eating or drinking areas.

(f) **Live-Entertainment.** Live-~~e~~Entertainment may not be presented in outdoor eating or drinking areas unless Conditional Use approval is obtained pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses.

(g) **Fixtures.** Furniture and fixtures provided for use in an outdoor eating and/or drinking area may consist only of movable tables, chairs, umbrellas, planters, lights and heaters. Lighting fixtures may be permanently affixed onto the exterior front of the building. All movable furniture and fixtures must be removed during the off-season.

(h) **Hours of Operation.** The use of outdoor eating and/or drinking areas is prohibited between 11 PM and 7 AM on weekends and 10 PM and 7 AM on weekdays.

(i) **Breweries and Wineries.** Beer and wine production accessory to a limited or full service restaurant is limited to an area that may not exceed 10,000 sq. ft and may not produce any objectionable odor, dust or fumes.

JUSTIFICATION:

The new Zoning Code provides regulations for outdoor eating areas for limited and full service restaurants. The Department of Building & Inspections has interpreted the Code to mean that outdoor drinking areas are permitted and that the regulations of §1419-21 do not apply. The Planning Commission put this text amendment on hold at their 4/15/05 meeting because they felt that outdoor drinking areas should be allowed with limitations. The Commission wanted to deal with all issues regarding the outdoor eating and drinking areas at one time.

ITEM #10 Zoning Text Amendment for §1409-07. Use Regulations – Commercial Sub districts

PURPOSE:

To obtain input and direction from the Planning Commission on zoning text as it relates to the regulation of outdoor drinking areas and to ensure that all sections of the Code are consistent regarding the regulation of outdoor drinking areas.

PROPOSED TEXT AMENDMENT:

Schedule 1409-07: Use Regulations - Commercial Subdistricts

Use Classifications CN-P CN-M CC-P CC-M CC-A CG-A Additional Regulations

Commercial Uses

Eating and drinking establishments

Drinking establishments	L6, L13 L6, L13	L6 <u>P</u>	P	P	P	See § 1419-21
Restaurants, full service	L6, L13 L6, L13	L6	P	P	P	See § 1419-21
Restaurants, limited	L6, L13 L6, L13	L6	P	P	P	See § 1419-21

JUSTIFICATION:

§ 1419-21 of the Zoning Code provides regulations for outdoor eating areas for limited and full service restaurants. The current text amendments to § 1419-21, if adopted, extends these additional regulations to outdoor areas for drinking establishments. The above chart needs to be amended to ensure that the regulations of §1419-21 are applied to all outdoor drinking areas in commercial zoning districts. At the 4/15/05 meeting of the Planning Commission all text amendments that dealt with outdoor drinking areas were put on hold so that new language could be developed that would allow outdoor drinking areas in certain districts with limitations. The “P” allowing drinking establishments in the CC-P district is correcting a scrivener's error made in the earlier amendment that removed the “L6” limitation from the CN-P, CN-M and CC-P districts.

ITEM #11 Zoning Text Amendment for §1401-01-O6 Outdoor Eating or Drinking Area Definition

PURPOSE:

To obtain input and direction from the Planning Commission on zoning text as it relates to the regulation of outdoor drinking areas.

PROPOSED TEXT AMENDMENT:**§ 1401-01-O6. Outdoor Eating or Drinking Area**

A porch, patio, deck or other area used for consumption of food and/or beverages by the public which is not enclosed within the interior building walls of a limited restaurant, full service restaurant, or a drinking establishment and which may or may not have a solid roof cover.

§ 1401-01-O607. Outdoor Storage.

“Outdoor storage” means the keeping of commercial goods, equipment and raw materials in an open lot.

JUSTIFICATION:

§ 1419-21 of the Zoning Code provides regulations for outdoor eating areas for limited and full service restaurants. The current text amendments to § 1419-21, if adopted, extends these additional regulations to outdoor areas for drinking establishments. At the 4/15/05 meeting of the Planning Commission all text amendments that dealt with outdoor drinking areas were put on hold so that new language could be developed that would allow outdoor drinking areas in certain districts with limitations.

Discussion

Margaret Wuerstle Chief Planner gave a brief outline of the zone text amendments item #9 through item #12. She pointed out that the zoning code that the Commission had approved was not intended to exclude outdoor drinking areas for establishments that were drinking establishments only. Therefore, the text amendments now include language that allows outdoor drinking areas for those establishments with certain limitations such as space for the area, hours of operation, entertainment and distance from residential structures. She stated that there is concern from the tavern owners about the impact on their business if they do not have some type of relief such as a conditional use. She pointed out there is a condition use for the distance, increase in size, live entertainment, but not for hours of operations. Julia Carney attorney in the Law Department commented that the Law Department feels that a conditional use overall would be the way to go. She stated that it would not necessarily change the regulations, but requires a conditional use for drinking establishment in the CN-P, CC-M, and CC-P

and would require a hearing examiner to evaluate the type of impact on the surrounding area on a case-by-case bases.

Mr. Michael Smith wanted to express his appreciation for the clarification of the zone text amendments and applauded the Planning department for their work in addressing the issues surrounding outdoor drinking establishments and how it would affect tavern/restaurant owners. He feels that a conditional use on the outdoor drinking establishments is appropriate and protects neighborhoods through out the city. He also supports Hyde Parks input that would add to the definition in item #11 that outdoor eating/drinking should be within the exterior walls of a building.

Mr. Tom Ford president of the Greater Cincinnati Hospitality Coalition (GCHC) stated that the coalition represents over 160 restaurants/businesses and he is a business owner. He commented that the outdoors drinking issue has been brought to his attention and he express concern about the time limit on outdoors eating/drinking establishments. He pointed out that most people don't get out for entertainment until late in the evening; outdoor drinking establishments have been in operation for quite sometime and that the ten-eleven o'clock time limit proposed in the new zoning code would really have a negative impact on the owners and a greater impact on the City as a whole. He stated his confusion on the entire issue and asked for clarification.

Mr. Faux stated that the reason the zone text amendment is now before the Commission is because when the City adopted the new zoning code, it was unclear how outdoor drinking areas were regulated or if they were permitted at all. Under the old code, outdoor drinking areas were aloud. Through interpretation of the new code, a case was brought before the ZBA. The ZBA concluded that the current code does not permit outdoor areas of any kind for drinking establishments, but for restaurants only. He stated that the Planning Commission intends to correct the defect in the code and new zoning code would apply to those owners who applied for building permits after the new code was adopted are affected by the provisions made to the new code.

Mr. Ford commented on the 25% rule and the effects it would have on a small area. He wanted information on how to apply for a conditional use and Ms. Wuerstle went on to explain in detail how to apply for the use which included presenting their case before a hearing examiner. Mr. Ford felt that the new code would stop people from even developing businesses in their neighborhoods because of all the red tape new projects will not even be pursued.

Ms. Hankner pointed out that zoning requirements have to be applied to any project and restrictions had already existed in the zoning codes and what is being added is outdoor drinking which is an improvement not a blank check. Mr. Ford responded by stating that no one is looking for a blank check but there is cloudiness on what to expect for anyone who wants to expand his or her business or start a second one. Economic development in this city should be done in away to get along with the residents and he believes that every business wants to get along with the residents who would be their customers.

Mr. Faux believed that a conditional use procedure does not impose a hug burden on business owners and he went on to explain the procedures to Mr. Ford. Mr. Ford ended by saying that he hopes that the new zoning codes does not put a burden or stop future business projects in the communities.

Mr. Faux made it clear to the audience that the Commissions' intention is not to stifle businesses but to stop what is in the zoning code that is stifling businesses as written today

Mr. Carl Uebelacker passed out a copy of revisions that are appropriate to the proposed changes to the text amendments solidified by planning staff. He explained in depth the revisions, their comments were in green writing, and he addressed each in detail.

Mr. Jim Tenhundfeld at 3711 Drakewood Drive, pointed out that there was nothing written in the code that identifies a drinking restaurant or a drinking establishment. He wanted to know what is the definition of a weekend. He believes that outdoor drinking establishments on weekends should be allowed to stay open later in commercial areas that do not affect residential neighborhoods. Bars in non-residential districts should have that option. He also commented that 10-7, 7 days a week was adequate for dump trucks to service areas and a correction on how 1425-23 should read.

Ms. Wuerstle pointed out that the definition of a restaurant and a full service-drinking establishment is in the code.

Mr. Greg Wiley commented that he has five outdoor restaurants with patios and at a time when the city is trying to encourage people to come and enjoy a vibrant Downtown Cincinnati, he feels that this is not a good proposal to keep the people on this side of the river versus going over to Kentucky.

Mr. Patrick Carroll representative of the License Beverage Association for southwestern Ohio reminded the Commission how a liquor permit is obtained. He offered the suggestion of asking bar owners who have permits and in business since 2004 to offer input, him included to offer input on the proposed code to help the transition to go smooth for everybody, because he felt that what is on the table at this time is not going to work. He felt that business owners on the south side of the river like Newport are sitting back laughing at Cincinnati.

Ms. Wuerstle suggested since the Commission can not officially approve or this approve the agenda now a special Planning Commission meeting could be held. Mr. Rager also suggested that the testimonies concerning changes to the code the Commissions can direct staff on what they would like to see incorporated and recommend staff to have at the special meeting.

Mr. Tarbell explained to the audience that since a case between an owner of an establishment and a neighborhood is what has prompted the issues before the Board someone should take the initiative to get both parties together and settled their dispute. He stated that their situation has affected all businesses and neighborhoods that have worked out their disputes and are now being held hostage.

Ms. Hankner stated that in directing staff she does not want to see a wholesale approach. She explained that as long as an establishment is within the guidelines they have a right to change or increase their business, but outside of the guidelines then there should be a conditional use, as impose to everything being a conditional use hearing and Mr. Faux concurred. She pointed out that the Hyde Park revisions have real merit. She would like to see staff incorporated some of their thoughts and Mr. Faux concurred. He also added that the only time a conditional use should come to play is when you are in a relatively short distance and the next questioned in his mind was what that distance should be and he felt that was worth some discussion.

Mr. Robert Deck 959B Paradome Street owner of Mt. Adams Provillion explained how most of his business is done outside and has a liquor license and permit, employs 60 employees in the summer time after 10pm until 2pm, and at least 20 in the other seasons. He relies on his outside business and so does four or five other area businesses in Mt Adams are concerned about the affects of the new regulations. He commented that he hopes that the people who are in conflict can work out their situation. Mr. Faux assured him it would not affect his business; only future businesses would be

affected. Mr. Deck suggested that the time set in the regulations even for new businesses he felt needed to be addressed.

Neil Quinn at 1055 St Paul Pl is the president of the Mt. Adams Business Guile wanted the Commission to know that Mt Adams have lived in harmony for years and believes there could be a winning situation for everyone involved.

Ms. Pamela Kremm who resides at 2900 Wasson Rd had pointed out that the 25% patio size was apart of the 2004 zoning code. She believes there are many businesses in violation of that rule and that selective enforcement of that rule would be unfair so she felt it should be changed. Mr. Faux responded by saying its possible that they are operating under a conditional use and if there is no complaint, it can go unrecognized. She pointed out the difference between Oakley and Price Hill neighborhood. She felt that if the small businesses are driven out, then the neighborhood goes down and she did not want to see any more neighborhoods in the city deteriorate.

ITEM #6 A report on a zoning study of the Red Bank Corridor from the Interstate 71 ramps to the City border with City of Fairfax.

BACKGROUND:

On July 15, 2005, the City Planning Commission authorized a zoning study of the Red Bank Road Corridor from the Interstate 71 ramps to the City border with City of Fairfax.

STUDY BOUNDARY:

The study area extends from Columbia Township and Cincinnati boundary on the north to the intersection of Fair Lane and Red Bank Road on the south along the boundary between the City of Fairfax and Cincinnati.

PLANS:

The Madisonville Industrial Corridor Urban Renewal Plan was approved and adopted by City Council on January 15, 1992 as amended by the City Planning Commission on January 10, 1992. The plan boundary included manufacturing zoned property from Madison Road south to the boundary with the City of Fairfax.

The Plan was instrumental in the recent redevelopment of the Corsica Hollow area southeast of the railroad overpass and Red Bank Expressway. Gorilla Glue Company building, another office building under construction and a future restaurant, will occupy the property.

COLUMBIA TOWNSHIP BOUNDARY SOUTH TO MADISON ROAD:

From the boundary dividing Columbia Township and the City of Cincinnati, extending south along Red Bank Expressway the property on the west is zoned Manufacturing Limited (ML). This district includes the Seven Hills School. The Seven Hills School property is approximately 37 acres in size. Schools, private or public are a permitted use in an ML zone district. The ML district extends eastward to the east right-of-way line of Red Bank Expressway.

The Children's Home of Cincinnati is located immediately south of the Seven Hills School and occupies the northwest corner of Madison Road and Red Bank Road intersection. The Children's Home property is approximately 40 acres in size. This property is zoned Residential Multi-Family (RM-2.0). Residential Care, Assisted Living land uses are a conditional uses within a RM 2.0 zone district. The RM district extends eastward from the Children's Home property to the east right-of-way line of Red Bank Expressway.

The property located at the northeast corner of Madison Road and Red Bank Expressway is zoned Single Family (SF-10). The property is owned by the Cincinnati Board of Education and is the location of the pre-kinder garden to eighth grade John P. Parker School. The school is situated on 32 acres of land. Schools, public or private are a conditional use in all single-family districts. In addition, along Anderson Place there are 25 residences that are within the SF-10 zone district.

MADISON ROAD SOUTH TO RAIL ROAD OVERPASS:

The current zoning for property along Red Bank Expressway from Madison Road south to the railroad overpass is Commercial General Auto (CG-A) and Manufacturing General (MG).

Manufacturing General (MG):

On the east side of Red Bank Expressway, east of Old Red Bank Road and south of Madison Road is a MG district occupied primarily by Nutone, Inc. This company is a manufacturer of central cleaning systems, lighting fixtures and heaters. This property is approximately 28 acres in size.

On the west, south of Madison Road and at the terminus southern terminus of Charlemar Drive is a MG district occupied by Integra Life Services Corp, Schaerer Mayfield, manufacturers and distributors of medical devices. This property is approximately 9 acres in size.

Manufacturing and distribution uses are permitted in MG Districts.

Commercial General Auto (CG-A):

Along the east and west side of Red Bank Expressway frontage south of Madison Road commercial establishments are the dominant land use. This area is comprised of 19 parcels that include food markets, fuel sales, office, retail sales, indoor storage and government facilities. All uses are permitted within the CG-A zone district.

West of the intersection of Red Bank Expressway and Madison Road is an area that contains the standard commercial uses such as the Rally's fast food, Rainbow Car Wash and Jiffy Lube vehicle service establishments. In addition, there is the Kett Tool Company, manufacturer of specialty wood boring tools and accessories. All uses are permitted within the CG-A District.

The largest grouping of property consists of a drive-in theater formally own by National Amusements, Inc. and the former Thomson Learning, Inc. – South Western Publishing, Inc. properties totaling 29.41 acres. The Thomson Learning, Inc. – South Western Publishing, Inc. properties has been vacant and was sold to on August 30, 2005. The National Amusements, Inc. property was purchased on October 13, 2005 by Hyde Park Circle, Inc. The prior land use of drive-in theater, office, warehousing and distribution are permitted in a CG-A District.

The property owner Hyde Park Circle, Inc. has been issued a building permit for the renovation of the first of several buildings. The building permit for 5101 Madison Road was applied for on July 14, 2005 and issued on August 4, 2005. The initial work has commenced with site filling and building interior renovation.

The Department of Community Development and Planning has had two meetings with representatives of Hyde Park Circle, Inc., one in August and another in October 2005 prior to the current owner purchasing the property. Project financial assistance was discussed. The zoning study was not mentioned.

RAIL ROAD OVERPASS SOUTH TO CITY OF FAIRFAX BOUNDARY

The current zoning south of the railroad overpass along either side of Red Bank Expressway and Red Bank Road south of Erie Avenue is Manufacturing General (MG). The land uses in this segment of the study area are permitted.

CONCLUSIONS:

1. The National Amusements, Inc. and Thomson Learning, Inc. – South Western Publishing, Inc. was recently purchased by Hyde Park Circle, Inc., within the last 3 months with a CG-A zoning designation. Re-zoning to manufacturing would negatively affect developer's reuse of the property in regards to retail sales.
2. A Building permit issued to Hyde Park Circle, Inc. on August 4, 2005 for the renovation of 5101 Madison Road suggests a desire to continue commercial use of the property. Re-zoning could make this a non-conforming use since retail sales are limited to 10,000 square feet in an MG District.
3. Existing land uses in the Red Bank Road Corridor are in conformance the CG-A and MG Districts regulations.

RECOMMENDATION:

The staff of the Department of Community Development and Planning recommends that the City Planning Commission take the following action:

Find that no change in zoning within the Red Bank Road Corridor from the Interstate 71 ramps to the City boundary with the City of Fairfax is necessary at this time.

ITEM #7 A report and recommendation on a proposed zone change at 2437 West Clifton Avenue from the RMX Residential Mixed Multi-Family District to a CC-M Commercial Community Mixed District in the neighborhood of CUF.

GENERAL INFORMATION:

Petitioner: John and Jenny Georgiton
85 Donnelly Drive
Fort Thomas. KY 41075

Request: A change of zoning at 2437 West Clifton Avenue from a RMX Residential Mixed Multi-Family District to a CC-M Commercial Community Mixed District.

Adjacent Land Use and Zoning:

South: RMX Residential Mixed 1-3 dwelling units

SF-2 Single-family – 2,000 sf lots

East: CC-M Commercial Community Mixed
RMX Residential Mixed 1-3 dwelling units

North: CC-M Commercial Community Mixed

West: CN-P Commercial Neighborhood Pedestrian

Staff Conference: The Planning Division staff held a public conference on this request on Friday September 30, 2005. The petitioner, two neighboring property owners and one representatives of the CUF Community Council attended. All three-community people expressed the following concerns regarding the zone change:

1. Concern that the property would be used for a multi-level parking garage.
2. Concern that the business district and commercial uses are slowly creeping into the residential area and eliminating houses.
3. Concern that the property retain the current zoning as a buffer between the residential uses and the business uses.

Staff did receive one call from Marjorie Klusmeyer (2420 West Clifton Avenue) who opposes the zone change and wants the current zoning retained to serve as a buffer between the residential uses and the business uses.

BACKGROUND:

Zoning History: Prior to February 2004 the property at 2437 West Clifton Avenue was a B-4 General Business Zoning District. The surrounding area along West McMillan and West Clifton Avenue had the following zoning designations:

South: O-1 Suburban High-Density Office District

East: B-4 General Business District

B-1 Neighborhood Business District

North: B-4 General Business District

West: B-3 Retail Wholesale Business District
R-4 Multi-Family Low-Density District

West McMillan Avenue is the main thoroughfare running through the neighborhood business district, which serves all of the surrounding communities. This property is one of many surface parking lots that serve the business district.

Existing Use: The property at 2437 West Clifton is currently used as a surface parking lot.

Proposed Use: The petitioner, John and Jenny Georgiton plan to continue to use the property as a surface parking lot and they may consider other commercial uses.

During the Zoning Code rewrite process, this property was rezoned from B-4 to RMX. This new zoning designation is not consistent with the current use nor the proposed future use (as a potential parking garage) as set forth in the 2001 Clifton Heights/UC Joint Urban Renewal Plan adopted by City Council.

The current use of the property is surface parking with 35 parking spaces for the adjacent commercial structures. The applicant also owns 203-207 West McMillan. It was explained to the applicant that the

property was rezoned to RMX because the new zoning designation would act as a buffer between the commercial zoning of the business district to the north and the residential zoning to the south.

Currently, there are two adjacent surface parking lots to the east and northwest. Both of these properties are of comparable size and location, and both abut residential zoning. However, during the Zoning Code rewrite process these properties retained their commercial zoning. They are now zoned CC-M, like most of the Clifton Heights Business District along Calhoun and McMillan. The applicant is concerned that his property was rezoned residential, yet the other two parking lots kept their commercial zoning.

In addition, the City of Cincinnati has committed \$61,000 of CDBG money for a pre-development market study to construct a parking garage on the site. This would not be a permitted use under the current RMX zoning.

During the Zoning Code rewrite process, it was the intent of the Planning Commission and staff to apply the new zoning designations based on existing use of the land areas yet in this case a non-conforming use was created.

FINDINGS:

Community Response: As stated above with the summary of the zoning staff conference, the community is opposed to the re-zoning of the property to a commercial designation.

ANALYSIS:

Two surface parking lots in the Clifton Heights business district, which were previously zoned commercial, kept their commercial zoning during the zoning code rewrite process. It is not clear to staff why two parking lots kept their commercial zoning and one lot did not keep its commercial zoning. This surface parking does not serve as a buffer between the commercial properties to the north and the residential properties to the south. This property has been used for parking for several years and it is important that the City not create non-conforming uses. Also, a decision was made by the administration to use \$61,000 CDBG dollars to fund a parking study for this site. Recognizing the need for parking in the area, this parking study was funded to determine how much additional parking is needed in the business district.

CONCLUSIONS:

1. This property was rezoned residential while two adjacent surface parking lots remained commercial.
2. Previously, this property was zoned B-4 commercial. The new residential zoning limits the marketability and future development of this property.
3. The property has been used as a surface parking lot for several years.
4. The new RMX zoning designation is not consistent with the current use and creates a non-conforming use.
5. The CC-M zoning designation will not negatively impact the existing character of the surrounding area.
6. There are numerous commercial and parking uses throughout this West McMillan Avenue corridor.
7. The City has provided \$61,000 of CDBG money for a parking study on the site. Recognizing the need for parking in the area, this parking study was funded to determine how much additional parking is needed in the business district.

RECOMMENDATION:

The staff of the City Planning Department recommends the City Planning Commission take the following action:

1. Approve a zone change for the property located at 2437 West Clifton Avenue from the RMX Residential Mixed Multi-Family District to CC-M Commercial Community Mixed District for the reasons that:
 - a) This property was rezoned residential while two adjacent surface parking lots remained commercial.
 - b) Previously, the property was zoned B-4 commercial zoning. This new residential zoning limits the marketability and future development of this property.
 - c) The property has been used as a surface parking lot for several years.
 - d) The new RMX zoning designation is not consistent with the current use and creates a non-conforming use.
 - e) The CC-M zoning designation will not negatively impact the existing character of the surrounding area.
 - f) There are numerous commercial and parking uses throughout this West McMillan Avenue corridor.
 - g) The City provided \$61,000 of CDBG money for a parking study on this site. Recognizing the need for parking in the area, this parking study was funded to determine how much additional parking is needed in the business district.

DISCUSSION

Mr. John Georgiton and Jenny Georgiton residents of 2437 Clifton Avenue pleaded their case to the Commission for a zone change from a RMX Residential Mixed Multi-Family District to a CC-M Commercial Community Mixed District in the neighborhood of CUF. The Georgitons stated that they provide parking spaces for businesses in the area and would like his property changed to a CC-M like all the surrounding properties. His lot has been used as a surface parking lot for years. Mr. Georgiton expressed that he was not aware of the zone change and feels the change has caused a negative impact on him financially. If by chance he sells the property, he would like to sell it at market price. Ms. Georgiton pointed out that they have provided 30 spaces and the City only has 13 spaces in the area.

Mr. John Schuller manager of the Clifton Heights Savings and Loan is in favor of the staff recommendation and stated that the lot serves a great purpose for the business community. He rents the property from the Georgiton.

Mr. Sid Dodd originally from Seattle Washington lives at 229 Lyon Street and would like to keep the flavor of the area and is against the zone change.

Ms. Maureen France believes that there would be a six or eight story parking structure and she is against the zone change.

Mr. Tarbell pointed out that the site was a mix-use development site with parking for residential and commercial. He believed the goal would be a middle ground that would keep with the existing of the buildings on McMillan. He believes that everyone should work together, find the middle ground where parking can be maintained, and achieve residential and commercial space within the area.

Mr. Faux pointed out that there was an error in how the zoning map was drawn and needed to be corrected.

Ms. Linda Ziegler explained the Urban Redevelopment Plan in 2000 opposed the plan. She believes that changing the zone will negatively affect the neighborhood. She pointed out that there are three surface lots that are never full. Mr. Faux pointed out that the Urban Renewal was a study and what

was before the Commission was a zoning issue. He went on to explain what had occurred was an error.

Ms. Sandra Wilson resident of 224 Atkinson stated that the city is losing residence in droves and she was in total opposition of the change. She handed out pictures expressing that old town means pedestrian friendly and changing the zone would \change the area.

Ms. Sharon Ducker stated that everywhere she goes in the neighborhood she walks and from what she sees is parking garages and there are no reasons she feels for another.

Mr. Doug Barclay pointed out that Mr. Georgiton lot was singled out and that he is in favor of the zone change. He gave a history of what has taken place in the area concerning parking lots. He explained the \$61,000 for the Urban Review Study was not just for one particular area in the neighborhood but for any area in the Clifton Heights neighborhood and he felt that there was a demand for parking lots.

ITEM #8 A report and recommendation on a zone change request for property along Pete Rose Way in the Central Business District from Downtown Development (DD) to Planned Development (PD).

Staff Conference

Request of Change in Zoning from DD to PD on Peter Rose Way In the Central Business District

November 18, 2005

Margaret Wuerstle, Chief Planner opened the meeting. She explained that a request for a Zone Change to a Planned Development (PD) had been submitted. The first step in the Zone Change Process is a staff conference to explain the project to anyone who is interested, and to allow the public to ask questions and to provide input. She explained that everyone would be given an opportunity to speak. She then introduced Jen Walker, the Senior City Planner responsible for this zone change request. Ms. Wuerstle then turned the floor over to David Ross who to explain the proposal.

David Ross explained that he was an architect with Cole and Russell Architects. He presented a set of drawings, went through each page, and explained the uses at each level. The sites are bounded by Pete Rose Way and Yeatman's Cove to the north and south, Butler Street and Pike Street to the east and west. The site also includes a City-owned parcel on the north side of Pete Rose Way. This project is especially important due to its location on Yeatman's Cove and because it is only a block away from Lytle Park. It is important because it is an opportunity to make a connection from that end of downtown down to the river. Currently, this area is just parking lots and space underneath the bridge and extension ramp of Ft. Washington Way.

Mr. Ross explained that this is a mixed-use project with a base of parking and lower levels of commercial space with residential above. The major component is a public plaza that provides a connection to the Purple People Bridge on the riverside. At the lowest level, one level down from Pete Rose Way is one level of parking. This is mostly a residential garage. One level down is a partial lower level that provides public parking as well as service access for the Recreation Department, and a drop-off to Yeatman's Cove. The project calls for conveniences retail, such as a coffee shop or dry cleaners. Toward the back of the site, is public garage parking. This parking is for the restaurants that are happening one floor up. At the same level as Pete Rose Way, there is a grand stair against the garage that would lead up to the top of this garage.

One floor will consist of residential amenities such as a clubroom or a portion of a health club that is for residents only. On the roof of the restaurants, there will be an outdoor terrace level that would be a private area for the residents only. He explained that the developer wants to encourage the public to come through to utilize the restaurants and walk through the site.

The building to the east is a total of twelve stories – nine stories residential. The one on the left is a total of nine stories, with six of them residential. Until any future development happens on the north site that is City-owned property, that site would be developed as a public parking lot.

Adjacent to the site are avenues where pedestrians can traverse to go down to Yeatman's Cove. The developer wants to knit the project into the urban fabric and in doing so part of that is providing options and choices of where people can walk. They would like to be able to enhance areas along Butler Street, the connection up to Lytle on the west side of the north property, as well as provide access from the Purple People Bridge to the new plaza, and actually from the plaza down to Yeatman's Cove. He explained that this project is about providing access to people and providing choices for people to walk.

This project actually fits within existing Zoning Codes. However, the PD is being requested to insure compatible quality level as well as the connectivity that they felt is important from this project on up into downtown.

Ms. Wuerstle asked if there were other members of the development team that wanted to speak at this time.

Mr. Valentine explained that when they started the design, they had two choices: they could go with an internally focused island or they could go with a project that was more open and more a part of the urban fabric of downtown. They chose the later. In order for that to be successful, to connect the building to downtown. They have to create a neighborhood.

Ms. Wuerstle asked if anyone had comments or questions.

Joe Schwinn, of the Cincinnati Recreation department questioned the dock access at the bus turnaround. He stated that the turnaround area was currently a bus stop. Bus layover there. This is a critical issue. He also stated that the City brings in school children through that area and a lot of time that area is blocked by buses. That area was designed for to get the buses into an area where they can sit, load, unload, and take care of the business that's required. It is a very important function of that location. He also spoke on the rounding at the Gregory Center corner at Butler Street. He stated that it looks like a tight rounding in the preliminary sketch. His concern was bringing buses and trucks into the area, which is the City's main loading access. The City's maintenance facilities are located there. The City's concern is maintaining the access of the trucks at that point. He explained that it might just be a minor modification to the sight plan. He also explained that the Purple People Bridge creates a tight corner on the other side. The City would prefer not to have trucks jumping corners.

Another issue was the access to Sawyer Point. The City holds events such as Tall Stacks where they rent the whole facility out. At times, that access will be blocked. If the developer was planning to have that as the emergency egress system, there will be times when that will be shut off and there cannot be unlimited access for an emergency egress system. The stairs shown on the drawings are totally on the developer's property and it is important that they stay totally within the developer's site because that is also a major access road for major emergency vehicles. They also come down Butler Street to get to the City's facilities. People meet them at that location and help them get to wherever

needed. Butler Street is an important access for the City. The proposed pedestrian bridge from the plaza to the Purple People Bridge needs a minimum of 14 ft clearance on the underside because the City brings in trucks and the major equipment that way into the facility.

Mr. Ross stated that as the plans get refined, the developer would work closely with the City Recreation Department to make sure to accommodate all the City's needs.

Ed Diller spoke next and stated that he had a number of legal issues relating to the PD application. The first one was that the application as submitted is defective. It includes property in the PD that is not under control by applicant. Also, the application doesn't have all the pieces that is needed in terms of the City's submission requirements. There were some substantive issues as well. He stated that the applicant is seeking to control property around the south side. The City found out long ago that trying to lock in design standards on surrounding properties has lead to a downtown that has some serious problems. Re-connectivity is a good idea. The part of connectivity that is a problem is to connect this project to height restrictions on the property to the north. He explained that if you are looking north you are going to see Ft. Washington Way and other buildings. There isn't the sight line. The view is really to the west, and probably to the east along the river. So to use the argument of connectivity to the downtown view doesn't make sense. Height limitations on the property to the north, which are included in the PD, is not consistent with the City plan. The 2000 plan was adopted a long time ago. For these developers to say the property to the north now has to go back down below the existing height limitations is not consistent with the plan.

Mr. Diller also explained that one of the problems with the PD, on the north side, is visibility. Visibility certainly can't be a very serious issue there. The stated goal is to take a City asset that has value and impose restrictions through zoning. It doesn't make sense to limit it so that only one person can use the property. This is a classic definition of spot zoning. Spot zoning, as lawyers know, is illegal. You can't impose a set of restrictive covenants through a zoning request for a specific piece of property to try to benefit another one. That is the definition of spot zoning. He went on to say that it is illegal subject to taxpayer suits. As many City Council people and economic development people know, there are two competing proposals for the property on the north side. One is a fair market proposal to purchase the property and the other one is to use that piece of property and impose restrictions on it. The second one, that imposes restrictions on the property, would markedly reduce its market value. He felt that instead of making a decision on how this property is going to be used through the Zone process, the developer should go through City Council and have them decide how this property should be used.

Mr. Diller also explained that in order for this PD to be developed, the Planning Commission has to find that the goals, which the developer wants to accomplish, can't be accomplished using the existing zoning overlay. He felt that the Planning Commission would not be able to make that finding. All the goals can be accomplished using the existing zoning of the property. The PD imposing more restrictions on the development, makes it impossible for the Planning Commission to adopt this PD. He asked if there other developments like this that Mr. Valentine had completed.

Mr. Valentine stated that he had done many such developments but not on the riverfront. several.

Ms. Wuerstle stated that she would take comments from the remainder of the people in attendance.

Kevin Fizzel, of 537 Associates stated that he owned the property that is immediately to the west of the site and that he had no comments or questions at this time.

Bryan Williams of the Department of Transportation and Engineering stated that he had some concerns about vehicular accesses to the property. The turn around doesn't look like it is big enough for valet, pick-up and drop off, especially if you intent is to pull in, drop off, then go into the garage. With all your access points there are going to be conflicts with people turning left, people coming out, and full movement on Butler and Pike all going on at the same time. After the traffic impact study he would look at the best locations for crosswalks.

Kevin Fizzel ask if the west portion of the proposed development was coming up to the property line or if there was a set back?

Mr. Ross explained that the project would be built right on the property line.

Mr. William asked if there was a reason for one side being higher than the rest?

Mr. Ross explained that one reason people are buying condos on the Kentucky side of the river is so they can have views of downtown Cincinnati. If one side of the project is a little higher, it not only has views up and down the river but you will be able to see right over the top on the north and have views of downtown Cincinnati.

Mr. Williams asked if light rail was being looked at for Pete Rose Way and the north? He then asked about the crosswalks. Mr Williams explained that the Department would never approve two mid-block crosswalks in a location. Ideally there would be one and it would be at an intersection but that the traffic impact study would help him determine the right location.

Chad Munitz, the Director of the Department of economic Development asked about the next steps

Jen Walke explained that she would prepare a staff report for the Planning Commission meeting on December 2. If it is passed on Dec. 2 by the Planning Commission it will then go to the Neighborhoods Committee of City Council for a public hearing and recommendation to the full City Council. After the Neighborhoods Committee the zone change request will go to City Council the next day to be voted on. The public will be notified of the Public Hearing that will be held by the Neighborhoods Committee. There will be two additional Public Hearings – one at the Planning Commission and one at Neighborhoods Committee. If this zone change is approved by City Council, all of the technical comments that were received, will be taken into consideration. Changes will be made to the design and the Planning Commission will have to approve a final development plan for the site. Everyone from the City departments will then have a change to review the final plans before they go to the Planning Commission. The public will be notified of the final development plan hearing before the Planning Commission.

Mr. Diller wanted to know what will happen about the question as to whether this is a valid application?

Ms. Wuerstle stated that the application will be reviewed and evaluated. The questions will be included in the minutes and staff will evaluate it in the report that is submitted to the Planning Commission.

Mr. Chad Munitz explained that in reference to the City owned parcel on the north side of the street, it needed to be noted that there is a restriction on that property right now held by the Ohio Department of Transportation and the City has received communication that ODOT intends to keep that easement restriction on that property.

Ms. Wuerstle adjourned the meeting after all in attendance had been given the opportunity to speak and provide input into the zone change request.

Discussion

Mr. Edward Diller attorney stated that the zone change request for the property along Pete Rose Way from a (DD) to a (PD) was not necessary and was illegal. In his opinion, whatever is to be developed in the area could clearly be accomplished with the present zoning designation. He felt that this is a clear case of spot zoning and that the developer. He went on to point out that there is no site line connection to the city, and under the proposal, it would be hard for other developers to develop in this particular area.

Ms. Hankner said that she was uncomfortable with the item being a Consent Item#2 because it was related to a PD zone and wanted it removed to the discussion section of the agenda. She also questioned whether the Law Department would be providing an opinion on Mr. Diller's statement that this zone change was illegal. She commented that she would like to have the issues Mr. Diller conveyed addressed at the special meeting.

ITEM #12 Zoning Text Amendment for §1409 Commercial District

This item was held by the Planning Commission for the special meeting. Staff did not present this item.

BACKGROUND:

On February 6, 2004 City Planning Commission recommended that a Commercial Zoning "Task Force" (CDTF) be developed to review the Commercial District Chapter of the Cincinnati Zoning Code as part of the motion passed by City Council during the adoption of the zoning code on January 13, 2004. The CDTF was given the job of eliciting comments, concerns, and questions regarding the Commercial District Chapter of the code. In June 2005, Department of Community Development and Planning staff begin to contact the proposed members for the task force with hope of forming a committee. However, staff had a difficult time recruiting those members for various reasons. On July 27, 2005 staff was able to meet for the first time with volunteers of the "Task Force". There have been many meetings over the last 5 months in effort to review any concerns from the Task Force (CDTF) and to form recommendations for the CPC.

The following are the proposed members selected by the CPC for the Commercial Zoning "Task Force".

- Staff from the Department of Community Development and Planning
- Staff from the Department of Buildings and Inspections
- Staff from the Law Department
- Staff from Architecture and Urban Design
- CNBDU
- Representative from the retail industry
- Representative from the neighborhood/community councils
- Greater Cincinnati Chamber of Commerce
- African American Chamber of Commerce

The following list is those members who participated on the "Task Force".

- Staff from the Department of Community Development and Planning
- Staff from the Department of Buildings and Inspections (Reggie Lyons)

- CNBDU (Mike Wagner)
- Representative from the neighborhood/community councils (Sue Doucleff)

PROPOSED TEXT AMENDMENT:

Art Studio

§ 1401-01-P10. Personal Instructional Services.

“Personal instruction service” means the provision of instructional services including: tutoring, photography, fine arts, crafts, dance or music studios, [art studios](#), driving schools, vocation and trade schools not including automotive repair, diet centers, reducing salons, martial arts, yoga and workout studios with incidental retail sales.

Justification: The new zoning code does not define the use of art studios in the definition chapter of the code.

Contractor Storage Facilities & Radio and Television Broadcast Antenna

Schedule 1409-07: Use Regulations - Commercial Subdistricts

Industrial Uses						
Production Industry						
Artisan	--	--	--	--	P	P
Limited	--	--	--	--	P	P
Warehousing and storage						
Contractor storage	--	--	--	L5 --	L5	P L5
Indoor storage	--	--	--	--	P	P
Wholesaling and distribution	--	--	--	--	P	P
Transportation, Communication and Utilities Uses						
Communications facilities	P	P	P	P	P	P
Public utility distribution system	P	P	P	P	P	P
Radio and television broadcast antenna	--	--	--	--	P C	P C
Specific Limitations						
L1	Only rooming houses licensed pursuant to Chapter 855. Rooming Houses of the Municipal Code; the maximum number of rooming units is five, and a separate entrance for access to rooming units must be provided. The minimum rental is seven days. See § 1421-43.			L2	Permitted only above the ground floor in a mixed use building.	
L3	Fencing, a minimum of four feet in height must be provided for purposes of securing outdoor play areas which must be located in the rear yard only.			L4	Permitted, provided that there are no outdoor exercise areas, yards or pens and mechanical ventilation and air filter devices must be provided.	
L5	Permitted provided outdoor storage is screened so as not to be visible from adjacent			L6	Presentation of entertainment is not permitted in outdoor areas.	

~~streets.~~

L5 Provided that outside storage is screened with an 8ft. privacy fence.

Justification: The location of contractor storage in the CC Districts creates a bad image for the commercial districts. This type of use typically has things that create an eye sore for the business district and the neighborhood. The CC Districts are typically areas such as Pleasant Ridge, Oakley, and Kennedy Heights etc. In addition, the committee wanted to eliminate radio and television broadcast antenna as a permitted uses and change it to a conditional use, so that each new use can be reviewed before approval is granted.

III. Maximum Building Height & Setbacks (New Residential Only)

Schedule 1409-09: Development Regulations - Commercial Districts

Regulations	CN-P	CN-M	CC-P	CC-M	CC-A	CG-A	Additional Regulations
<i>Building Scale-Intensity of Use</i>							
Minimum Lot Area	0	0	0	0	0	0	
<i>Building Form and Location</i>							
Maximum building height (ft.)	50	50	85 <u>50</u>	85 <u>50</u>	85 <u>50</u>	85 <u>50</u>	
Minimum building height (ft.)	15	15	15	15	15	15	
Minimum front yard setbacks (ft.)	0	0	0	0	0	0	
Maximum front yard setbacks (ft.)	0	12	0	12	--	--	See § 1409-19
Building placement requirements	Yes	Yes	Yes	Yes	No	No	See § 1409-17 and § 1409-21
Ground floor transparency standards	Yes	Yes	Yes	Yes	No	No	See § 1409-23
<i>Residential Regulations</i>							
New residential only							
Lot area/unit (sq. ft.)	700	700	700	700	700	700	
Front yard setback	5 <u>0</u>	20 <u>0</u>	5 <u>0</u>	0	0	0	
Interior side yard setback (one side/total)	0/5 <u>0</u>	5/17 <u>0</u>	5/17 <u>0</u>	0	0	0	
Corner side yard setback	5 <u>0</u>	5 <u>0</u>	5 <u>0</u>	0	0	0	
Rear yard setback	25	25	25 ² <u>25</u>	25 ² <u>25</u>	25 ² <u>25</u>	25 ² <u>25</u>	
Residential development in existing buildings							
Lot area/unit (sq./ft.)	500	500	500	500	500	500	

¹ ~~Additional 1 foot of setback for each 1-foot of building height above 35 feet.~~

² ~~Additional 1 foot of minimum side yard and 2-foot sum of side yard setback for each five feet of building height above 35 feet.~~

Justification: Maximum Building Heights of 85 feet is too high for any building in the commercial districts. The rationale is that the maximum building height should be the same in all of the business districts. After review of several business districts, most buildings were not more than 5-storys tall.

Also the setbacks for new residential uses in the commercial districts are too inconsistent. Changing the setbacks of the districts will make the buildings more uniformed.

IV. Truck Docks; Loading and Service Areas

§ 1409-15. Truck Docks; Loading and Service Areas.

~~Truck docks, loading and service areas are not permitted within 50 feet~~ that are located within 100 feet ~~of residential district boundaries and are not permitted to be used between 10 PM and 7 AM on weekdays and between 11 PM and 7 AM on weekends.~~ Anything outside of 100 feet does not have to meet the time requirements. These facilities must be located at the side of buildings or in the rear of the site and screened so as not to be visible from residential districts. Where a building abuts a residential district, the preferred location of these facilities is the side away from the district boundary.

Justification: The increased distance between the loading and service areas and the residential district boundaries would give residential properties a buffer from adjacent commercial loading areas, while reducing the loading and unloading time constraints placed on businesses.

V. Loft Dwelling Units

§ 1419-23. Loft Dwelling Units.

In commercial and manufacturing districts the owner of the loft dwelling unit has the duty to provide a statement of disclosure to all buyers and tenants acknowledging the commercial and manufacturing character of the district and acceptance of the potential for uses in the area to result in certain off-site impacts at higher levels than would be expected in residential areas. Occupancy of these units is at the risk of the owner/occupant. Loft dwelling units must be located, developed and operated in compliance with the following:

- (a) A loft dwelling unit ~~may only be established on a floor other than the first floor or basement~~ established on the first floor requires a conditional use hearing.
- (b) One loft dwelling unit may be permitted for each 1,000 square feet of interior floor area excluding the first floor or basement. No unit may be less than 500 square feet in floor area.
- (c) A loft dwelling unit may contain a studio, gallery, office, business or other use as permitted by the applicable zoning district regulations.

Justification: There are various types of loft dwelling units (studios, galleries and other businesses) that may be appropriate on the first floor in the commercial districts. By making them a conditional use ensures that each potential use will be reviewed.

VI. Accessory Nonresidential Structures

§ 1421-03. Accessory Nonresidential Structures.

Structures ancillary to a principal structure are considered accessory structures. This Section establishes regulations for nonresidential accessory structures. All accessory structures must be located, developed, and operated in compliance with the following:

- (a) **Location.** Accessory structures, other than fences and walls, are not permitted in a front yard or a side yard, except for a gas station pump canopy.
- (b) **Minimum Distance from Principal Structure:** One foot. Accessory structures, other than fences and walls, within one foot of the principal structure are considered part of the principal structure.

- (c) **Building Height and Bulk.** Accessory structures are subject to the standards of the district within which the principal structure is located unless an exception to height limits is provided by § 1421-19.

Justification: Changes were recommended in this section to include gas station pump canopy's, because they are reviewed by Buildings & Inspections as an accessory structure to the principle building, and most canopy's are located in the front yard.

VII. Requirements for Off-Street Parking and Loading

§ 1425-03. Requirements for Off-Street Parking and Loading.

~~New off-street parking and loading must be provided for uses that are established, enlarged, extended or moved onto a new lot after the effective date of these zoning regulations, or of a subsequent rezoning or other amendment establishing or increasing parking or loading requirements for the uses. When an expanded use results in an increase of more than ten percent in the number of currently required parking spaces, additional parking must be provided for the additional space based on the standards of this chapter.~~

Whenever there is a change of use in an building addition or extension of land use in any zone district which results in an increase in the number of units used to measure required parking spaces, and such change of use, addition, or extension creates a need for an increase of more than 10 percent in the number of required parking spaces, additional parking shall be provided on the basis of the increase in the number of such units of measurement based on the standards of this chapter, provided however, that in case of a change of use, addition, or extension creates a need for an increase of less than five parking spaces, no additional parking spaces shall be required.

Justification: The definition in this section is difficult to understand. The word "new" in the existing definition seems to be misleading, as well as the word "established".

VIII. Off-Street Parking and Loading Requirements for Commercial Meeting Facilities

Schedule 1425-19-A: Off-Street Parking and Loading Requirements

Use Classifications	Required Parking (Sq. Ft. of Floor Area)	Loading User Group
<i>Public and Semi Public Uses</i>		
Religious assembly	1 for every 30 sq. ft. in principal assembly area	
<i>Commercial Uses</i>		
Commercial meeting facility	1 for every 50 <u>30</u> sq. ft.	3

Justification: The commercial meeting Facilities have similar uses as religious assembly with the exception of church services. Both are used for various types of conferences, banquets and weddings/receptions. They also create more traffic than religious assembly's because they host more functions during business hours.

RECOMMENDATION:

The Department of Community Development and Planning staff recommends that the City Planning Commission approve the requested text amendments listed for Chapter 1409 Commercial Districts of the City of Cincinnati Zoning Code.

ADJOURN

The meeting was adjourned.

Margaret A. Wuerstle, AICP
Chief Planner

Date: _____

Caleb Faux, Chair

Date: _____